



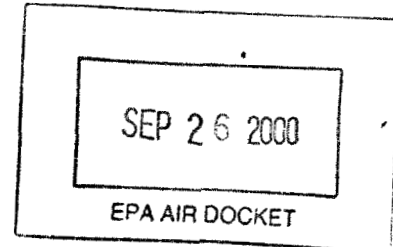
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

A 99-29
I-B-151

AUG 31 2000

REPLY TO THE ATTENTION OF:
(A-18J)

John Miller, Chairman
Pokagon Band of Potawatomi Indians
901 Spruce Street
Dowagic, Michigan 49047



Dear Mr. Miller:

I am writing to inform you of your opportunity to recommend 8-hour ozone air quality standard attainment/unclassifiable or nonattainment designations for your tribal lands by September 30, 2000.

The United States Environmental Protection Agency (EPA) promulgated a new 8-hour ozone health based, National Ambient Air Quality Standard (NAAQS) in July 1997. Upon promulgation of a new standard, section 107(d)(1) of the Clean Air Act (CAA) requires EPA to designate areas as either attainment/unclassifiable or nonattainment for the new standard. It is worth noting that the United States Court of Appeals for the District of Columbia Circuit issued a ruling on May 14, 1999, that raised questions about our ability to enforce the 8-hour ozone NAAQS. However, the decision specifically noted EPA's obligation to designate areas for the revised standard regardless.

On March 28, 2000, EPA issued guidance to States and Tribes on developing recommendations for designations of attainment/unclassifiable or nonattainment under the 8-hour ozone NAAQS (enclosed). As the guidance memorandum indicates, Tribes have the opportunity to submit to EPA designation recommendations for their lands. Because this is a new opportunity for many Tribes, on July 17, 2000, EPA issued additional guidance to Tribes which offers further details on making designation recommendations for their "Indian country" (enclosed).

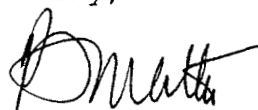
Once submitted, EPA will review the recommendations made by Tribes (and States). The EPA's response to the Tribes' 8-hour ozone designations will begin a 120-day consultation period. During this time, EPA will work with each Tribe on any differences in opinion regarding designations and boundaries for 8-hour ozone nonattainment areas. The EPA will finalize designations no sooner than the end of this 120-day period.

It should be noted that Tribes are not required to recommend designations. In cases where a Tribe elects not to submit a recommendation, EPA, in consultation with the Tribe, will promulgate the designation it deems appropriate on their behalf.

The EPA has established an Internet site with State-specific maps of metropolitan statistical areas, industrial source emissions data, population statistics, and much more located at www.epa.gov/ttn/rto/areas. Please take some time to review the data representative of the Tribal lands which may be within your jurisdiction in order to make an attainment/unclassifiable or nonattainment designation. Areas designated as nonattainment may be subject to conformity and more stringent New Source Review provisions. See page 8, question number 6 of the July 18, 2000, Guidance on 8-Hour Ozone Designations for Indian Tribes for an overview of the implications of a nonattainment designation.

We recognize that the time line for making recommendations is relatively short. The EPA's Region 5 office is committed to providing assistance to Tribes interested in making a designation recommendation. If you have any questions, please contact me or have your staff contact Benjamin Giwojna, air Tribal contact, at (312) 886-0247 or Jacqueline Nwia, ozone data contact, at (312) 886-6081.

Sincerely,



Bharat Mathur, Director
Air and Radiation Division

Enclosures

cc: Kevin Daugherty
Pokagon Band of Potawatomi Indians

Dennis Drake
Michigan Department of Environmental Quality